

EXHIBIT H

U.S. Department of Homeland Security
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

June 5, 2012

NRC2012046553

Jeffrey Martins
Attorney at Law
369 Pine Street, Suite 725
San Francisco, CA 94104

Dear Jeffrey Martins:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office May 23, 2012 regarding [REDACTED]

We have completed the review of all documents and have identified 1413 pages that are responsive to your request. Enclosed are 1258 pages released in their entirety, and 16 pages released in part. We are withholding 99 pages in full. In our review of these pages, we have determined that they contain no reasonably segregable portion(s) of non-exempt information. Additionally, we have referred 21 pages in their entirety to the State Department for their direct response to you. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

During our review, USCIS located a potentially responsive document(s) that may have originated from U.S. Immigration and Customs Enforcement (ICE). USCIS has sent the document(s) and a copy of your FOIA request to the ICE FOIA Office for consideration and direct response to you. Should you wish to contact ICE concerning the status of the processing of the document(s), please contact the ICE FOIA Office via phone at (866) 633-1182 or via e-mail at ICE-FOIA@dhs.gov. The ICE FOIA Office mailing address is 500 12th Street, S.W., MS 5009, Washington, D.C. 20536-5009.

The following exemptions are applicable:

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

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Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information that we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

As a result of discussion between agency personnel and a member of our staff, as a matter of administrative discretion, we are releasing computer codes found on system screen prints previously withheld under exemption b(2). There may be additional documents that contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

**LAW OFFICE OF
JEFFREY MARTINS**

U.S. Immigration Attorney At Law

369 Pine St., Suite 725, San Francisco, CA 94104, 415-954-9433
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June 5, 2012

USCIS FOIA/PA Appeals Office
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139

RE:

[REDACTED]
NRC2012046553

To Whom It May Concern:

Dear Sir or Madam:

Please consider this letter as an appeal of the determination to withhold information from the Freedom of Information Act request filed with the National Record Center regarding [REDACTED] NRC2012046553.

In the June 5, 2012, response to the Freedom of Information Act request, information regarding [REDACTED] was improperly withheld. Most significantly, [REDACTED] was interviewed twice at the San Francisco Asylum Office on December 20, 2000 and May 11, 2005. During those interviews a written or typed record of the interview was created. These notes represent the only record of the sworn testimony of [REDACTED] and do not fall under any exception listed in the Freedom of Information Act, U.S.C. 552 and related provisions.

According to the response, it appears that this information is being withheld under Freedom of Information Act, U.S.C. 552(b)(5). The sworn testimony of [REDACTED] does not constitute interagency memorandum or letters or other internal agency information nor does it constitute predecisional information, documents made in contemplation of litigation, or confidential communication between attorney and client.

Sworn statements taken by immigration officials in all contexts are available through Freedom of Information Act requests and the officer's written records of [REDACTED] interviews is no different and should have been provided.

Please reconsider the decision to withhold this information and provide it to [REDACTED] attorney, Jeffrey Martins, at the above listed address. Providing this information in a timely manner will help avoid any additional legal action.

If you have any questions, please feel free to contact me using any of the information listed at the top of this letter.

Sincerely,

Jeffrey Martins, Esq.

U.S. Department of Homeland Security
HQ FOIA/PA Appeals
150 Space Center Loop, Suite 500
Lee's Summit, MO 64064-2139



U.S. Citizenship
and Immigration
Services

July 19, 2012

APP2012000628

Jeffrey Martins
Law Office of Jeffrey Martins
369 Pine Street, Suite 725
San Francisco, CA 94104

Dear Mr. Martins:

Re: NRC2012046553

You appealed the action of the National Records Center regarding your request for access to records pertaining to [REDACTED] dated May 23, 2012. The original determination of the National Records Center was to withhold 16 pages in part and 99 in full.

After careful consideration of your appeal, and as a result of discussions with the National Records Center, we have decided to release 11 additional pages to you, copies of which are enclosed. We are releasing these pages in part. We have redacted information pursuant to 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C).

On the remaining pages, we found that the National Records Center properly withheld certain information that is protected from disclosure. We have determined that this information is not appropriate for discretionary release.

If you are dissatisfied with our action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B). The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Hughes".

Alan D. Hughes, Associate Counsel
Commercial and Administrative Law Division
Department of Homeland Security
Citizenship and Immigration Services